

REMARKS

This Amendment is in response to the Office Action mailed on October 28, 2008. Claims 1, 7-9 and 14 are amended. The amendments to claims 1 and 14 are supported, for example, in Figures 1, 4 and 5. Claims 7-9 are amended to track the amendments to claim 1. Claims 24-30 are new. New claims 24 and 26 include features of previously presented claim 7. New claims 25 and 27 are supported, for example, in the specification on page 4, lines 17 and 18. New claim 28 includes the features of previously presented claim 1 with further features supported, for example, in Figures 4-6. New claim 29 includes the features of previously presented claim 14 with further features supported, for example, in Figures 4-6. New claim 30 includes the features of previously presented claim 1 with further features supported, for example, in the specification on page 14, lines 7 and 8. No new matter is added. Claims 1-15 and 24-30 are pending.

§102 Rejections:

Claims 1-3 and 6 are rejected as being anticipated by Ramel (US Patent No. 5,540,709). This rejection is traversed.

Claim 1 is directed to a lancet to be attached to a lancing apparatus for moving a lancing element in a lancing direction from a standby position toward a lance position. The lancet requires, among other features, a first member formed with an engaging portion. Claim 1 also requires a second member movable relative to the first member and includes a smaller cylindrical portion and a larger cylindrical portion. The larger cylindrical portion includes an end accommodated in the engaging portion of the first member.

Ramel does not disclose or suggest these features. The rejection interprets the lance 2 and the arm 18 with the body 42 of Ramel as the first member and the second member, respectively of claim 1. However, the portion interpreted in the rejection as the larger cylindrical portion of claim 1 only touches the side of the upper enlarged portion of the lancet 2 (See Figure 1 of Ramel and the annotated and exploded view of Figure 1 of Ramel shown on page 3 of the Office Action). Thus, nowhere does Ramel disclose or suggest a first member formed with an engaging portion. Ramel also does not disclose or

suggest that the larger cylindrical portion of the second member includes an end accommodated in the engaging portion of the first member, as required by claim 1.

For at least these reasons claim 1 is not disclosed by Ramel and should be allowed. Claims 2, 3 and 6 depend from claim 1 and should be allowed for at least the same reasons.

§103 Rejections:

Claim 4 is rejected as being unpatentable over Ramel. This rejection is traversed. Claim 4 depends from claim 1 and should be allowed for at least the same reasons as discussed above. Applicants do not concede the correctness of this rejection.

Claims 5 and 7-9 are rejected as being unpatentable over Ramel in view of Searle (US Publication No. 2002/0087180). This rejection is traversed. Claims 5 and 7-9 depend from claim 1 and should be allowed for at least the same reasons as discussed above. Applicants do not concede the correctness of this rejection.

Claims 10-13 are rejected as being unpatentable over Ramel in view of Hamamoto (US Patent No. 7,250,056). This rejection is traversed. Claims 10-13 depend from claim 1 and should be allowed for at least the same reasons as discussed above. Applicants do not concede the correctness of this rejection.

Claims 14 and 15 are rejected as being unpatentable over Searle in view of Ramel. This rejection is traversed.

Claim 14 is directed to a lancing apparatus comprising a lancet that is movable in a lancing direction from a standby position toward a lance position. The lancet requires, among other features, a first member formed with an engaging portion. Claim 14 also requires a second member that includes a smaller cylindrical portion and a larger cylindrical portion, the larger cylindrical portion including an end accommodated in the engaging portion of the first member.

The combination of Searle and Ramel does not disclose or suggest these features.

The rejection interprets the base 12 and the cap 16 of Searle as the first member and the second member, respectively of claim 14. However, as shown in Figures 7 and 8 of Searle, nowhere does Searle teach or suggest that the portion, interpreted in the rejection as the larger cylindrical portion of the cap 16, includes an end accommodated in an engaging portion of the base 12. Thus, nowhere does Searle teach or suggest a second member that includes a larger cylindrical portion including an end accommodated in the engaging portion of the first member, as required by claim 14.

Ramel does not overcome these deficiencies of Searle. It appears that the rejection relies on the annotated and exploded view of Figure 1 of Ramel shown on page 3 of the Office Action for teaching the larger cylindrical portion of claim 14. However, the portion interpreted in the rejection as the larger cylindrical portion only touches the side of the upper enlarged portion of the lancet 2 (See Figure 1 of Ramel and the annotated and exploded view of Figure 1 of Ramel shown on page 3 of the Office Action). Thus, Ramel also does not teach or suggest that the larger cylindrical portion of the second member includes an end accommodated in the engaging portion of the first member, as required in claim 14.

For at least these reasons claim 14 is not suggested by the combination of Searle and Ramel and should be allowed.

New Claims:

In order to expedite the prosecution of this matter, the following is noted with respect to new claims 24-30 as they relate to the cited prior art.

Claims 24 and 25 depend from claim 1 and should be allowed for at least the same reasons discussed above. Claims 26 and 27 depend from claim 14 and should be allowed for at least the same reasons discussed above.

Claim 28 is directed to a lancet to be attached to a lancing apparatus for moving a lancing element in a lancing direction from a standby position toward a lance position. The lancet requires, among other features, a second member movable relative to the first member and includes a smaller cylindrical portion and a larger cylindrical portion. The smaller cylindrical portion is disposed forward of the larger cylindrical portion in the

lancing direction and configured to accommodate a tip of the lancing element before a lancing action of the lancing element.

The cited prior art does not teach or suggest these features of claim 28. As shown in Figure 7 of Searle, the portion interpreted in the rejection of claim 14 as the larger cylindrical portion is disposed forward the portion interpreted in the rejection of claim 14 as the smaller cylindrical portion. Also, the portion interpreted in the rejection of claim 14 as the larger cylindrical portion does not accommodate a tip of the needle 14 before a lancing action of the lancing element.

As shown in Figure 1 of Ramel, the tip of the needle 4 is not accommodated in the portion of the arm 18 with the body 42 interpreted, in the rejection of claim 1, as a small cylindrical portion.

Thus, neither Searle nor Ramel teaches or suggests that the smaller cylindrical portion is disposed forward of the larger cylindrical portion in the lancing direction and configured to accommodate a tip of the lancing element before a lancing action of the lancing element, as required by claim 28. For at least these reasons claim 28 is allowable over the cited prior art.

Claim 29 is directed to a lancing apparatus comprising a lancet that is movable in a lancing direction from a standby position toward a lance position. The lancet requires, among other features, a second member movable relative to the first member and includes a smaller cylindrical portion and a larger cylindrical portion. The smaller cylindrical portion is disposed forward of the larger cylindrical portion in the lancing direction and configured to accommodate a tip of the lancing element before a lancing action of the lancing element.

The cited prior art does not teach or suggest these features of claim 29. As shown in Figure 7 of Searle, the portion interpreted in the rejection of claim 14 as the larger cylindrical portion is disposed forward the portion interpreted in the rejection of claim 14 as the smaller cylindrical portion. Also, the portion interpreted in the rejection of claim 14 as the larger cylindrical portion does not accommodate a tip of the needle 14 before a lancing action of the lancing element.

As shown in Figure 1 of Ramel, the tip of the needle 4 is not accommodated in the portion of the arm 18 with the body 42 interpreted, in the rejection of claim 1, as a small cylindrical portion.

Thus, the neither Searle nor Ramel teaches or suggests that the smaller cylindrical portion is disposed forward of the larger cylindrical portion in the lancing direction and configured to accommodate a tip of the lancing element before a lancing action of the lancing element, as required by claim 28. For at least these reasons claim 28 is allowable over the cited prior art.

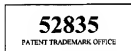
Claim 30 is directed to a lancet to be attached to a lancing apparatus for moving a lancing element in a lancing direction from a standby position toward a lance position. The lancet requires, among other features, that one of a latch mechanism, an electromagnetic mechanism or a pneumatic mechanism is used for moving the lancing element in the lancing direction.

The cited prior art does not teach or suggest these features of claim 28. Nowhere does either Searle or Ramel teach or suggest that one of a latch mechanism, an electromagnetic mechanism or a pneumatic mechanism is used for moving the lancing element in the lancing direction. Also, as shown in Figure 1 of Ramel, a spring 8 is used for moving the needle 4 in the lancing direction.

For at least these reasons claim 30 is allowable over the cited prior art.

Conclusion:

Applicants respectfully assert that the pending claims are in condition for allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Douglas P. Mueller (Reg. No.30,300), at (612) 455-3804.



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Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &
LARSON, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902
(612) 455-3800

By: 

Douglas P. Mueller
Reg. No. 30,300
DPM/ahk